

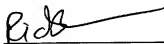
**Remarks**

The Examiner stated that the claims are directed to the following patentably distinct species: a cardiac ion channel and a category of a compound affecting the ion channel. The Examiner stated that the species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species, and because the species are not obvious variants of each other based on the current record. The Examiner required Applicant under 35 USC 121 to elect a single disclosed species cardiac ion channel and a single specific category of test compound for the purpose of the preliminary prior art search.

Applicants respectfully maintain that the claimed invention concerns a method for determining an in vivo cardiac electrophysiology profile of a compound that involves administering the compound to a rat and measuring one or more periods selected from the group consisting of the atrial refractory period, the ventricular refractory period and the AV nodal refractory period, and one or more intervals selected from an electrocardiogram interval and a cardiac electrogram conduction interval. Applicants maintain that the group of cardiac ion channels contains related species that all act as cardiac ion channels and, for purposes of the recited method claim are obvious variants, and that the group of compounds affecting these ion channels are all related as compounds which affect the ion channels.

Applicants hereby elect, with traverse, the Kv1.5 potassium ion channel as the cardiac ion channel. Applicants also hereby elect, with traverse, a Kv1.5 antagonist as the specific category of test compound. Claims specifically encompassing the elected species are Claim 4 (where the cardiac ion channel is the Kv1.5 potassium ion channel) and Claim 3 (where the test compound is a Kv1.5 antagonist).

Respectfully submitted,



Richard S. Parr, Reg. No. 32,586  
Attorney for Applicant  
MERCK & CO., INC.  
P.O. Box 2000  
Rahway, New Jersey 07065-0900  
Tel.: (732) 594-4958

Date: April 13, 2010